

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THERON KENNETH HOLSTON,
Plaintiff,
v.
BROWN, et al.,
Defendants.

No. 2:20-cv-02466 DJC DMC P

ORDER

Plaintiff, who is proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 14, 2024, the assigned Magistrate Judge filed Findings and Recommendations recommending that the action be dismissed for lack of prosecution and failure to comply with court rules and orders. (ECF No. 83.) Those Findings and Recommendations were served on plaintiff, and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within fourteen days. These Findings and Recommendations recommended dismissal based on the fact that while Plaintiff filed a notice of change of address on November 14, 2023 (ECF No. 80), two prior orders that were re-served on the updated address provided by Plaintiff were returned as “Undeliverable” on December 8, 2023. The Magistrate Judge’s Findings and Recommendations however, were not returned as

1 "Undeliverable."

2 The Court accordingly issued an Order directing Plaintiff to confirm his current
3 address to the Court and show cause in writing why the Court should not adopt the
4 Findings and Recommendations and dismiss this action based on Plaintiff's failure to
5 comply with Local Rule 183(b). (ECF No. 84.) The Plaintiff responded to that order
6 updating his address and noting that he had been recently incarcerated. (ECF No.
7 85.)

8 As it did in the Order to Show Cause, the Court again notes the multiple
9 requests for extensions and the frequent need to re-serve orders as reflected on the
10 docket in this matter. Pursuant to Eastern District of California Local Rule 183(b), any
11 party appearing pro se is required to keep the Court and opposing parties advised as
12 to his or her current mailing address and must file and serve a notice of change of
13 address within 63 days of mail being returned. The Plaintiff is cautioned that future
14 failures to comply with this rule may result in his action being dismissed for failure to
15 prosecute and failure to comply with court orders without the Court issuing further
16 Orders to Show Cause. If Plaintiff is truly interested in prosecuting this action, he must
17 take the steps required to ensure all orders are properly served so that this case can
18 progress to judgment.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. The findings and recommendations (ECF No. 83) are REJECTED.
21 2. The Order to Show Cause (ECF No. 84) is DISCHARGED.
22 3. This matter is referred back to the assigned Magistrate Judge for all further
23 pretrial proceedings.

24 IT IS SO ORDERED.
25

26 Dated: **April 30, 2024**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28